



FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Patent of Faull et al.	:	DECISION ON REQUEST
Patent No. 7,572,826	:	FOR RECONSIDERATION OF
Issue Date: August 11, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/542,326	:	AND NOTICE OF INTENT TO
Filing Date: July 13, 2005	:	ISSUE CERTIFICATE OF
Attorney Docket No. 06275-0461US1	:	CORRECTION

This is a decision on the petition filed on October 9, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate that the term of the patent is extended or adjusted by one hundred seventy-three (173) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that term of the above-identified patent is extended or adjusted by one hundred seventy-three (173) days is **GRANTED to the extent indicated herein**.

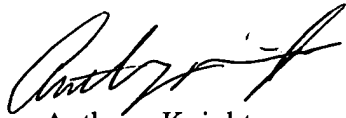
As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the period of delay under 35 U.S.C. § 154(b)(1)(B), the over three year period began on July 16, 2008, and ended on September 12, 2008, *the day before* the RCE was filed, and is 60 (not 61) days. *See* 35 U.S.C. § 154(b)(1)(B)(i). As such, the patent term adjustment is 172 days, not 173 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **one hundred seventy-two (172) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,572,826 B2
ISSUE DATE : August 11, 2009
INVENTOR(S) : Faull et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 112 days.

Delete the phrase "by 112 days" and insert - by 172 days--